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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,471	04/26/2001	Roger Kenneth Abrams	RPS920010007US1	7993
45211	7590	12/07/2004	EXAMINER	
KELLY K. KORDZIK WINSTEAD SECHREST & MINICK PC PO BOX 50784 DALLAS, TX 75201			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,471

Applicant(s)

ABRAMS, ROGER KENNETH

Examiner

Mylinh T Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's Amendment filed 07/06/04 has been entered and carefully considered. Claims 1-2, 4, 11-12, 16-18, 20, 27-28, 32-35, 42-43 and 46 have been amended. However, limitations of amended claims have not been found to be patentable over newly discovered prior art, therefore, claims 1-55 are rejected under the new ground of rejection as set forth below.

#### ***Claim Objections***

Claims 2-5 and 18-21 are objected to because of the following informalities: Numerals should not be used within the body of the claims. Applicant needs to use alphas to designate steps so that the numerals are not confused with claim numbers. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al. [US. 5,598,183].

As to claims 1 and 17, Robertson et al. teaches a computer implemented method and corresponding apparatus for improving a selection of a graphic user interface (GUI) icon with a pointing device comprising the steps/means

for acquiring data corresponding to a motion of a pointing cursor on a display, said motion of said pointing cursor corresponding to a pointing device used to move said pointing cursor from a first source position to a first destination position on said display (column 1, lines 43-57 and column 2, lines 25-37); generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position (column 2, lines 44-56 and column 11, lines 8-51), and storing said set of motion vectors and said first destination position referenced to said first source position (column 1, lines 43-57 and column 4, lines 42-67).

As to claims 2, 18, 34, 47, 50 and 53, Robertson et al. also discloses generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device (column 2, lines 44-56 and column 11, lines 8-51); predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector (column 9, line 41 through column 10, line 5); and highlighting said destination point icon (column 11, lines 8-28).

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As to claims 3, 5, 11, 14, 19, 21, 27, 30, 41, 44, 48, 51 and 54, the claim is analyzed as previously discussed with respect to claim 2 except for the feature of "the highlighted destination point icon is actuated by a user of said pointing device". Robertson et al. shows the feature at column 11, lines 8-28.

As to claims 4, 20, 35, 49, 52 and 55, the claim is analyzed as previously discussed with respect to claim 2 except for the feature of "modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source to said destination point icon". Robertson et al. teaches the feature at column 8, line 67 through column 9, line 13.

As to claims 6, 22 and 36, Robertson et al. also teaches said display corresponding to a graphic user interface (GUI) (figures 3C-3D, column 3, lines 30-50).

As to claims 7, 8, 23, 24 and 37-38, Robertson et al. provides first source position being a position of a predetermined source point icon and said first destination position being a position of a predetermined destination point icon (column 3, lines 30-50).

As to claims 9, 25 and 39, Robertson et al. also provides motion vectors being generated each time said motion starts from a motion stop (column 10, line 55 through column 11, line 8).

As to claims 10, 26 and 40, Robertson et al. demonstrates motion vector comprising parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction (column 8, lines 18-50).

As to claims 12, 28 and 42, Robertson et al. also demonstrates said set of motion vectors are associated with said first source position and source said first source position, source positions proximate to and said first destination position and destination positions proximate to said second position (column 6, lines 24-60).

As to claims 13, 29 and 43, Robertson et al. discloses said second source position corresponding to a position of a source point icon (column 5, lines 8-55).

As to claims 15, 31 and 45, Robertson et al. also discloses pointing cursor locks to said destination point icon until a motion vector indicates a more likely destination point icon (column 5, lines 8-55).

As to claims 16, 32 and 46, Robertson et al. shows said pointing cursor motion proceeding from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined (column 8, line 67 through column 9, line 13).

As to claim 33, the claim is analyzed as previously discussed with respect to claim 1 except for a central processing unit, a random access memory, a communications adapter coupled to a communication network, an I/O adapter and a bus system coupling said CPU to said ROM, said communication adapter, said I/O adapter, and said RAM. Robertson et al. shows these limitations at column 3, line 50 through column 4, line 15.

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### **Response to Arguments**

Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground of rejection.


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (571) 272-4141. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136.

Mylinh Tran

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